

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<p align="center">PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</p>	<p align="center">Docket Number (Optional)</p> <p align="center">RSW920040056US1</p>
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First Named Inventor: John Michael Lake

Application Number: 10/828,720

Filed: April 21, 2004

Title: ESTIMATING SOFTWARE PROJECT REQUIREMENTS FRO RESOLVING DEFECT BACKLOGS

Art Unit: 2193

Examiner: Todd D. Ingebrg

Attention: Office of Petitions
Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact
 Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☐ Small entity – fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
 See 37 CFR 1.27.

☒ Other than small entity – fee \$ 510.00 (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):

☐ has been filed previously on _____.

☐ is enclosed herewith.

B The issue fee of \$ 1,700.00

☐ has been filed previously on _____.

☒ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

David R. Irvin
Signature

David R. Irvin

Typed or printed name

IBM CORP. 3039 CORNWALLIS RD. DEPT. T81/B503

Address

PO BOX 12195, RESEARCH TRIANGLE PARK, NC 27709

Address

October 31, 2007

Date

42,682

Registration Number, if applicable

919-543-7810

Telephone Number

Enclosure ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unavoidable delay

☒ Issue Fee Transmittal

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

X Filed Electronically EFS-WEB

October 31, 2007

Date

Sandra S. Christopher
Signature

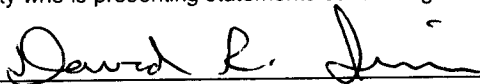
Sandra S. Christopher

Typed or printed name of person signing certificate

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Signature

October 31, 2007

Date

David R. Irvin

Typed or printed name

42,682

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

This office received notification from PAIR that correspondence is now available for viewing for Serial No. 10/828,720. Once viewed the Notice of Allowance and Fee(s) Due attached in PAIR was for 10/765,382. Correspondence was sent to EBC@uspto.gov indicating that "The Notice of Allowance attached to S/N 10/828,720 dated 6/28/07 is actually for 10/765,382. Please investigate. Thanks!" The reply received from EBC stated that it would be taken care of, but we did not receive notification that the Notice of Allowance for Serial No. 10/828,720 was now available in PAIR.

Once we received the Notice of Abandonment, we went into PAIR to obtain a copy of the Notice of Allowance.

Please note, it was not our intention that this application be abandoned, therefore, we are requesting that you please revive the application and allow the application to be issued per fees set forth.

(Please attach additional sheets if additional space is needed.)

RSW IPLAW
ADMIN/Durham/IBM

10/26/2007 10:07 AM

Default custom expiration
date of 10/25/2008

To Sandra S Christopher/Raleigh/IBM@ibmus

cc

bcc

Subject Fw: Private PAIR Correspondence Notification for Customer
Number 25259

Ah huh! Here's what happened. They must not have fixed it.

----- Forwarded by RSW IPLAW ADMIN/Durham/IBM on 10/26/2007 10:05 AM -----



ebc@USPTO.GOV

07/02/2007 10:57 AM

To RSW IPLAW ADMIN/Durham/IBM@IBMUS

cc

Subject RE: Fw: Private PAIR Correspondence Notification for
Customer Number 25259

[THREAD ID:1-1H2JUQ]

Thank you for the notice we will have this taken care of.

Marcus
EBC

-----Original Message-----

From: rswiplaw@us.ibm.com
Sent: 7/2/2007 10:36:46 AM
To: EBC@uspto.gov
Subject: Fw: Private PAIR Correspondence Notification for Customer Number
25259

The Notice of Allowance attached to S/N 10/828,720 dated 6/28/07 is actually
for 10/765,382. Please investigate. Thanks!

Vickie Hawkins
(919) 543-2216

----- Forwarded by RSW IPLAW ADMIN/Durham/IBM on 07/02/2007 10:35 AM -----

PAIR_eOfficeAction@USPTO.GOV
06/30/2007 05:35 AM
To
RSW IPLAW ADMIN/Durham/IBM@IBMUS
cc
PAIR_eOfficeAction@USPTO.GOV
Subject
Private PAIR Correspondence Notification for Customer Number 25259
Jun 30, 2007 05:35:07 AM

Dear PAIR Customer:

IBM CORPORATION
3039 CORNWALLIS RD. DEPT. T81 / B503, PO BOX 12195

RESEARCH TRIANGLE PARK, NC 27709
UNITED STATES

The following USPTO patent application(s) associated with your Customer Number, 25259, have new outgoing correspondence. This correspondence is now available for viewing in Private PAIR.

The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

Application Attorney Docket No.

10828720 RSW920040056US1

To view your correspondence online or update your email addresses, please visit us anytime at
<https://sportal.uspto.gov/secure/myportal/privatepair>.

If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov or call 1-866-217-9197 during the following hours:

Monday - Friday 6:00 a.m. to 12:00 a.m. Eastern Standard Time (EST)

Thank you for prompt attention to this notice,

UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION INFORMATION RETRIEVAL SYSTEM